Case: 1:05-cr-00525-LW Doc #: 62 Filed: 05/15/07 1 of 2. PageID #: 172

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

-----

UNITED STATES OF AMERICA

: CASE NO. 1:05 CR 525

Plaintiff:

-VS-

MITCHELL PATTERSON aka Bobby N. Smith

: ORDER ACCEPTING PLEA AGREEMENT

: AND JUDGMENT AND NOTICE OF

: HEARING

Defendant :

\_\_\_\_\_\_

## UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Mitchell Patterson aka Bobby N. Smith which was referred to the Magistrate Judge with the consent of the parties.

On 7 November 2006, the government filed a six-count superseding indictment against Mitchell Patterson aka Bobby N. Smith for aiding and abetting false information in violation of 18 U.S.C. Sections 922(a)(6) and 2. On 7 March 2007, a hearing was held in which Mitchell Patterson aka Bobby N. Smith entered a plea of not guilty before Magistrate Judge Patricia A. Hemann. On 12 April 2007, Magistrate Judge Kenneth S. McHargh received Mitchell Patterson's aka Bobby N. Smith's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted

Case: 1:05-cr-00525-LW Doc #: 62 Filed: 05/15/07 2 of 2. PageID #: 173

and a finding of guilty entered. Magistrate Judge McHargh filed his R&R on 13 April

2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days

after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted.

Mitchell Patterson aka Bobby N. Smith is found to be competent to enter a plea. He

understands his constitutional rights. He is aware of the charges and of the

consequences of entering a plea. There is an adequate factual basis for the plea. The

Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea

agreement is approved.

Therefore, Mitchell Patterson aka Bobby N. Smith is adjudged guilty of Counts 1s

and 4s in violation of 18 U.S.C. Sections 922(a)(6) and (2).

Sentencing will be:

9 July 2007 at 3:00 p.m.

Courtroom 19-A

19th Floor, United States District Court

801 West Superior Avenue

Cleveland, Ohio 44113

IT IS SO ORDERED.

Dated:

15 May 2007

/s/Lesley Wells

UNITED STATES DISTRICT JUDGE

2